

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.13 OF 2002

Narayan Krishnarao Pisal .. Appellant
V/s
Ramakant Dattatraya Kshirsagar & Ors. .. Respondents

Mr.P.R.Arjunwadkar for the Appellant.
2None for the Respondents.

CORAM : DR.S.RADHAKRISHNAN, J.

DATE : 8TH JUNE, 2006.

P.C.:

1. Heard the learned Counsel for the Appellant. Perused the Trial Court's judgment as well as the lower Appellate Court's judgment. The Trial Court had decreed the suit in favour of the Respondents with regard to the certain aerial encroachments as well as that the Appellant had no right to construct the window on the western side wall of his house. The lower Appellate Court by detailed examination of the evidence found that a witness examined on behalf of the Defendants does not support them but supports the Plaintiff. Under these circumstances, the appeal was also dismissed and the lower Appellate Court had fully concurred to the findings of the Trial Court.

2. There is no substantial questions of law involved in the above appeal. The appeal is devoid of merits, the same stands dismissed. In view of the same, the Civil Application also stands dismissed.

